



General Assembly

Substitute Bill No. 1119

January Session, 2003

***AN ACT CONCERNING THE DISCLOSURE OF PHARMACEUTICAL
MARKETING AND ADVERTISING COSTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) For purposes of this
2 section:

3 (1) "Pharmaceutical manufacturing company" means any entity that
4 is engaged in the production, preparation, propagation, compounding,
5 conversion or processing of prescription drugs, either directly or
6 indirectly by extraction from substances of natural origin, or
7 independently by means of chemical synthesis, or by a combination of
8 extraction and chemical synthesis, or any entity engaged in the
9 packaging, repackaging, labeling, relabeling or distribution of
10 prescription drugs, but does not include a wholesale drug distributor
11 or pharmacist licensed under chapter 400j of the general statutes;

12 (2) "Promotion" includes, but is not limited to, detailing, media
13 events, gifts, trips, educational conferences or meals; and

14 (3) "Health care provider" means any person, corporation, limited
15 liability company, facility or institution operated, owned or licensed in
16 this state to provide health care or professional services, or an officer,
17 employee or agent thereof acting in the course and scope of his or her
18 employment.

19 (b) On or before March 31, 2005, and annually thereafter, any
 20 pharmaceutical manufacturing company that sold any prescription
 21 drugs in this state during the preceding calendar year shall file a report
 22 with the Department of Public Health. Such report shall disclose the
 23 amount of expenses for advertising for each prescription drug on the
 24 list compiled in accordance with subsection (c) of this section in each
 25 media outlet on such list for the preceding calendar year. Such report
 26 shall include expenses for promotions for each prescription drug to
 27 health care providers whose offices are based in this state for the
 28 preceding calendar year, including, but not limited to, the salaries for
 29 employees engaged primarily in the marketing of pharmaceutical
 30 products to health care providers. Such report shall be made on a form
 31 prescribed by the Commissioner of Public Health and shall list
 32 expenses by each pharmaceutical product sold by a pharmaceutical
 33 manufacturing company and by such other categories as the
 34 commissioner may deem appropriate. No later than April 30, 2005, and
 35 annually thereafter, the department shall compile the information
 36 contained therein and submit, in accordance with section 11-4a of the
 37 general statutes, a report containing the information to the joint
 38 standing committees of the General Assembly having cognizance of
 39 matters relating to public health and human services.

40 (c) For purposes of the report required by subsection (b) of this
 41 section, on or before October 1, 2004, and annually thereafter, the
 42 Department of Public Health, in consultation with the Departments of
 43 Social Services and Consumer Protection, shall compile a list of (1) not
 44 more than forty prescription drugs that are commonly used or costly,
 45 and (2) newspapers, magazines and other periodicals, and radio and
 46 television stations serving varying populations in the state. Such list
 47 shall be made available to pharmaceutical manufacturing companies
 48 for the purposes of preparing the report required pursuant to
 49 subsection (b) of this section.

This act shall take effect as follows:	
Section 1	October 1, 2003

PH *Joint Favorable Subst.*